

Amendment Under 37 C.F.R. § 1.111...
USSN 10/798,344
Attorney Docket Q80301
December 27, 2004

REMARKS

Claims 12-17 inclusive are all the claims pending in the application.

In the last Office Action Claims 1 and 5-7 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 1 and 3 of U.S. Paten No. 6,718,562. The drawings were objected to for not showing every feature of the invention specified in the claims. Claims 9 and 11 were rejected under 35 U.S.C. § 112, first paragraph, as containing subject mater which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Claims 1, 2, 10 and 11 were rejected under 35 U.S.C. § 102(b) as being anticipated by Goto et al. USPN 6,254,167. Claims 1-7 and 10-11 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Kagawa, USPN 6,505,376 in view of Goto et al., USPN 6,254,167. Claims 1-3 and 10-11 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Kagawa et al., USPN 6,317,918 in view of Goto et al. USPN 6,254,167. Claims 8-9 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Goto et al., USPN 6,254,167 in view of Princet, USPN 5,601,379.

By way of this amendment, Applicants have cancelled Claims 1-11 in favor of new claims 12-17.

Turning to the substance of the Office Action, Applicant's submit herewith a Terminal Disclaimer to overcome the obviousness-type double patenting rejection based on Claims 1 and 3 of U.S. Patent 6,718,562.

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With respect to the objection to the drawings and the related section 112 (first paragraph) rejection of Claims 9 and 11, the stopper feature has been removed from the claims. Thus, it is submitted that these objections/rejections have been overcome.

Finally, as to the prior art rejection, Applicant's respectfully submit that the prior art does not teach or suggest the features recited in Claims 12-17, for the following reasons.

The wiper pivot of the present invention is provided for securing safety of a pedestrian in an accident by preventing the pedestrian from being injured by the wiper pivot projecting from the vehicle body. This is achieved by providing features for breaking the connection body so as to retrieve the wiper pivot in the vehicle body. The connecting portion is able to stay up when experiencing usual loads resulting from folding up the end of the wiper arm for cleaning, maintenance and replacement of the wiper blades. Furthermore, the connection portion has to withstand a normal operation of the wiper, which imposes a bending or torsion moment on the wiper pivot, and hence the wiper pivot is required to support bending moments on one hand, whereas it has to be broken in case of an accident in which a severe impact force is applied in the axial direction of the wiper pivot, which results in a shear load at the connection portion.

The present invention provides with its characterizing features a solution to this request by providing the connection portion with a suitable breakable property when subjected to shear while having sufficient strength for when subjected to a moment force. The special design of thin-walled portions, both in the upper and the lower portion of the pivot holder, results in bending strength and stiffness that are remarkably enhanced while keeping the connecting portion fragile in shear.

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A further advantage of the invention rests in providing three of the thin-walled portions so as not overlap which advantageously adds to mold design, since the connecting portion is provided with thin-walled portions outside, forming a hollow space therein and therefore enables the pivot holder to be formed in one mold.

The patent to Goto only discloses a supporting structure for the pivot 7 and fails to disclose or suggest the provision of a body fixing portion formed as one piece with the shaft holding portion through a connecting holding portion. Thus, Goto fails to disclose a connecting portion as specifically called for in Claim 12.

The Patent to Kagawa is directed to a breakable arrangement associated completely with the pivot shaft holding portion. There is no separate body fixing portion connected to the shaft holding portion as one piece by means of a thin-walled connecting portion. This is also true of Kagawa et al. Accordingly, neither Kagawa or Kagawa et al. discloses a connecting portions having the claimed thin-walled portions of Claim 12.

While the patent to Princet discloses a shaft holding portion 18 of an integral one-piece construction with a body fixing portion 24, there is no provision of a connecting portion between the two having the specific thin-walled construction required by Claim 12.

In view of the foregoing comments it is respectfully submitted that the claims pending in the application are allowable. It is therefore requested that the application be passed to issue at the earliest convenience.

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If for any reason the Examiner is unable to allow the application on the next Office Action and feels that an interview would be helpful to resolve any remaining issue, the Examiner is respectfully requested to contact the undersigned attorney for the purpose of arranging such an interview.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

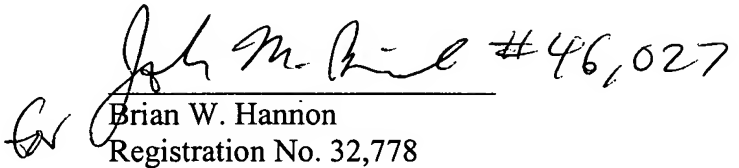
Respectfully submitted,

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

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CUSTOMER NUMBER

 #46,027
Brian W. Hannon
Registration No. 32,778

Date: December 27, 2004